THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :5759 of 2006

DATED:19-02-2007

Padmasree.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep., by its Superintendent of Police,
Eluru,
East Godavari District & 3 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents 1 to 3.

2. Petitioner seeks a writ of mandamus declaring the inaction of the respondents1 to 3 in not providing necessary protection for peaceful living and enjoyment of her property bearing No.24B-10-4/7, Ponugantivari street, R.R.pet, Eluru, as illegal and arbitrary.

3. It is stated that the dispute in respect of the above said property has been settled and decided in favour of the petitioner. Though the proceedings under Sections 107 and
145 Cr.P.C. have been initiated based on the report of the petitioner, and the 4th respondent, the learned counsel appearing for the petitioner submits that the Mandal Revenue Officer by his endorsement in ROC.No.155/2006/S, dated 22-03-2006, cancelled the possession certificate issued in favour of the 4th respondent, and therefore it cannot be said that the 4th respondent has any legal right or authority over the said property. It is further stated that the said property was bequeathed in favour of the petitioner under the registered Will, dated 17-06-2003, executed by Kanaka Durgamba, and the said Kanakadurgamba also filed a suit against the false settlement said to have been created settling the said property in favour of the 4th respondent and subsequently she died on 10-06-2005.

4. I am not inclined to express any opinion with regard to the civil disputes, as it is for the petitioner or the 4th respondent to establish their right, title, or interest over the said property including possession. If any proceedings ended in favour of the petitioner with regard to her possession, the petitioner can as well seek appropriate remedy in the pending suit or if no suit is pending, and if the title has been finally decided in favour of the petitioner, enclosing the said necessary copies of the orders the petitioner can approach the concerned Station House Officer seeking police protection.

5. Accordingly, the writ petition is disposed of with a liberty to the petitioner to take appropriate legal action as indicated above. No order as to costs.

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V.ESWARAIAH,J

19th February, 2007.
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